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09/816,125	03/26/2001	Hiroyasu Sugano	1405.1040	8745

21171 7590 05/15/2007		EXAMINER
STAAS & HALSEY LLP		NALVEN, ANDREW L
SUITE 700		

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1201 NEW YORK AVENUE, N.W.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *2/28/2007*.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2-4 and 6-22* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2-4 and 6-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 March 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some * c) ☐ None of:

　　　1. ☒ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 2-4 and 6-22 are pending.

Response to Arguments

2.   Applicant's arguments filed 28 February 2007 have been fully considered but they are not persuasive.

3.   Applicant argues on page 14 that the Theimar reference fails to teach requests made from one user to another because Applicant alleges that Theimar teaches requests made from a device relating to a user to the user himself. Examiner respectfully disagrees. Theimar teaches processes each in turn being according to a first user from whom there is a request for communication with a second user (Theimar, column 24 line 65 – column 25 line 26) by teaching a first user A requesting to send a message to a second user B. Thus, Theimar's requests are not from a device relating to the user to the user himself. Instead, Theimar's requests come from a first user and are sent to a second user.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 2-4, 6 and 9-22 are rejected under 35 U.S.C. 102(b) as being anticipated

by Theimar et al US Patent No 5,493,692. Theimar teaches a system for selective

delivery of messages between multimedia computers based upon context and

environment of the user.

6.   With regards to claim 2, Theimar teaches the storing of statuses of the users

(Theimar, column 7 lines 1-16, Figure 3), the preparing of a processing policy in which

processes for communication requests are set for each of the users (Theimar, column

14 line 62 – column 15 line 15), the processes each in turn being according to a first

user from whom there is a request for communication with a second user (Theimar,

column 11 lines 3-6), to status of the second user with whom communication is

requested (Theimar, column 10 line 67 – column 11 line 3), to content of the requested

communication (Theimar, column 14 lines 43-48 and column 14 lines 62-64), the

processing policy including an attribute-assigning policy setting a relationship between

the first user requesting communication to the second user (Theimar, column 11 lines 3-

6, "policies restricting responses to a subset of all possible clients", column 7 lines 7-17

"interaction policies"), and storing the attribute-assigning policy (Theimar, column 9 lines

60-67). Theimar also discloses that when a request for communication occurs, there is

a step of looking up the attribute-assigning policy and information of the first user and

the second user (Theimar, column 10 line 66 – column 11 line 17, "check the current

settings of the user's policy" and "response contains information about the user and/or

UserAgent that the client is interested in"), determining and reporting to the

communication device a process for the request based, in the policy, on the second

user with whom communication is requested is completed (Theimar, column 14 lines

43-48, column 11 lines 6-17), and determining an attribute of a requester based on

stored user information or the attribute assigning policy (Theimar, column 11 lines 3-60).

7.   With regards to claims 3, 4, 9, 12-13, and 15-22, Theimar, in addition to the

features described above, further teaches a first storing means for storing information

related to users (Theimar, column 7 line 65 – column 8 line 4), the processing policy

including an attribute-assigning policy setting a relationship between the first user

requesting communication to the second user (Theimar, column 11 lines 3-6, "policies

restricting responses to a subset of all possible clients"), looking up the attribute-

assigning policy and information of the first user and the second user (Theimar, column

10 line 66 – column 11 line 17, "check the current settings of the user's policy" and

"response..contains information about the user and/or UserAgent that the client is

interested in"), authentication means for verifying the communication requestor when a

request for communication occurs (Theimar, column 11 lines 3-6), liaising means for

acquiring from the communication device the communication requester, requestee, and

content of the communication (Theimar, column 10 line 66 – column 11 line 6 and

column 14 lines 43-48). Theimar further teaches an information recording means for

accepting input of recording in the first storing means the information related to users

(Theimar, column 9 lines 54-64, column 10 lines 3-7), a status recording means for

accepting input of an recording in the storing means the statuses of the users (Theimar,

column 9 line 60 – column 10 line 2), and a policy recording means for accepting input

of and recording in the storing means the processing policy (Theimar, column 10 lines

3-7).

8.   With regards to claims 10, Theimar, in addition to the features described above,

further teaches policy recording means accepting input of, and records in the relay

terminal (Theimar, column 7 lines 35-40).

9.   With regards to claims 6 and 11, Theimar, in addition to the features described

above, further teaches an inquiry means for inquiring among communication requestee

terminals whether to permit the communication request (Theimar, column 10 line 66 –

column 11 line 3) and for obtaining a reply to the inquiry (Theimar, column 11 lines 12-

17).

10.   With regards to claims 14, Theimar discloses the administering of information

related to statuses of the users (Theimar, column 7 lines 1-16, Figure 3), the storing of

users requesting the services, content of the requested services, and status of the users

related to the request services correlatively with processes for the service requests

(Theimar, column 10 line 66 – column 11 line 17). Theimar further discloses that when

a service request has been made by one user (Theimar, Figure 4 Item 126), that

statuses of the other users related to the service request are obtained (Theimar, column

10 line 66 – column 11 line 3) and based on the one user who requested a service, on

the other users related to the requested service, and on the obtained user status, the

determining of a process for the service request is completed (Theimar, column 10 line

66 – column 11 line 6 and column 14 lines 43-48).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Theimar et al US Patent No 5,493,692 in view of Aggarwal et al US Patent No.

5,943,478.

13.   With regards to claim 7, Theimar, as described above, teaches a request

instructing means for requesting information content related to a terminal from other

terminals (Theimar, column 9 lines 7-9), but fails to teach the request occurring if the

information is not recorded in the first storing means. Aggarwal teaches the requesting

of information content from another terminal if the information content is not stored in

the first recording medium (Aggarwal, column 3 lines 41-53). At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to utilize

Aggarwal's information requesting means because it offers the advantage of allowing a

terminal to send a message to any other terminal regardless of whether the requesting

terminal is known to a terminal previously (Aggarwal, column 1 line 58 – column 2 line

2).

14.   With regards to claim 8, Theimar as modified, fails to teach a peripheral

information providing means for providing information content not stored in the first

recording means. Aggarwal teaches a peripheral information providing means that

provides information content related to terminals to a terminal in order to handle a

communication request (Aggarwal, column 3 lines 45-49).

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew L. Nalven whose telephone number is 571 272

3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate

Fridays.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven